FOR MYSORE STATE

Dev (195 °) Department.

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G.O. No. 3215

Dated 17-8-50

Despatch Abstract.

G.O.No.3215
17th Aug. 50

Acts - The Central Tea Board Act (1949) (XIII of 1949) - Framing of rules - Govt. of India Notification - Republished.

MINISTRY OF COMMERCE

New Delhi, the15th July 1950.

S.R.O. 254.—In exercise of the powers conferred by section 15 of the Central Tea Board Act, 1949 (XIIII of 1949) and after consulting the Central Tea Board, the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section(1) of the said section, namely:-

CENTRAL TEA BOARD RULES.

1. Short Title: These rules may be called the Central Tea Board Rules, 1950.

2. Definitions: Inthese rules—

(i) "The act" means the Central Tea Board Act, 1949.

(ii) "Chairman" means the Chairman of the Central Tea Board.

(iii) "Vice-Chairman" means the Vice-Chairman of the Central tea board.

(iv) 'Member' means a member of the Central Tea Board.

(v) 'Secretary' means the Secretary to the Central Tea Board for the time being and includes an Acting or Assistant Secretary.

3. Headquarters: The headquarters of the Board shall be at Calcutta.

CONSTITUTION OF THE BOARD AND PROCEDURE TO FILL VACANCIES.

4. Nominations:- The regional representatives on the Board other than those to be nominated by the State Governments shall be nominated as follows, namely:-

(a) Assam—

(i) Three members to be nominated by the Indian Tea Association in consultation with Assam and Surma Valley Branches; and

(ii) one member to be nominated by the Assam Tea Planters Association, and

(iii) one member to be nominated jointly be the Assam Bengal Indian Tea Planters' Association and Surma Valley Indian Tea Planters Association-

(b) West Bengal--

(1) Two members to be nominated by the Indian Tea Association in consultation with the Darjeeling, Dooars and Terai Planters' Association. and

(ii) One member to be nominated jointly by the Indian Tea Planters' Association, Jalpaiguri and the Terai Indian Planters' Association.

(c) Madras--

(1) one member to be nominated by the United Planters' Associati of Southern India.

(d) Travancore---

One member to be nominated by the Association of Planters of Travancore.

5. All nominations of members of the Board shall be made within 30 days from the date on which such nominations are called for by the Central Government or the Secretary to the Board.

6. Resignation: A member of the Board may resign his office by letter addressed to the Secretary to the Board: Provided that he shall not vacate his office until his resignation is accepted.

7. Removal from the Board:- The Central Government may remove any member of the Board from his office.

(a) if he becomes of unsound mind, or becomes bankrupt or insolvent, or suspends payments, or compounds with his creditors, or,

(b) if he is convicted of a criminal offence involving moral turpitude or,

(c) if, without leave of the Chairman, he,

(1) absents himself from India for more than six months; or

(ii) fails to attend more than two successive meetings of the Board.

8. Absence from India:- Before a member of the Board leaves India he shall intimate to the Secretary the date of his departure from and the date of his expected return to India.

9. Vice-Chairman. .... (1) The Board shall in each year elect a member to be vice-chairman of the Board for twelve months commencing from the date of the election.

(2) In the event of the Vice-Chairman resigning his office as such or ceasing to be a member of the Board, the Board shall forthwith elect a member to be Vice-Chairman of the Board for the unexpired portion of the term of office of the Vice-Chairman elected under sub-rule (1).

10. Minimum number of meetings:- The Board shall meet at least once in a quarter.

11. Power to call meetings:- The Central Government or Chairman may at any time, call a meeting of the Board and the latter shall do so, if a requisition for that purpose is presented to him in writing by at least ten members of the Board.

12. Quorum :- No business shall be transacted at a meeting of the Board unless there are present at least ten members.

13- Business by circulation:- (1) Any business which it may be necessary for the Board to transact may, if the Chairman so directs be carried out by circulation of papers among all its members and any resolution so circulated and approved by the majority of members signing shall be as effectual and binding as if the resolution had been passed at a meeting of the Board.

Provided that-

(a) at least ten member have recorded their views on the resolution;

(b) When a resolution is referred by circulation of papers, any five members of the Board may require that the resolution be referred to a meeting, and thereupon such reference shall be made to a meeting of the Board;

2. When any business is so referred to the members by circulation, a period of not less than fourteen clear days shall be allowed for the receipt

ofreplies from members, such period to be reckoned from the date on which notice of the business is issued;

(3) If a resolution is circulated, the result of the circulation shall be communicated to all the members.

14. Executive Committee:- Seven members of the Executive Committee of whom at least one shall be an official shall be elected by the members of the Board at its first meeting or as soon thereafter as possible.

15. Casual Vacancy in Executive Committee:- Any casual vacancy occurring among the elected members of the Executive Committee shall be filled by election at the next meeting of the Board or any other subsequent meeting.

16. Functions of Executive Committee- The Executive Committee shall be responsible for carrying on the day to day duties of the Board and shall also exercise such powers of the Board, not being those mentioned in rule 17, as may be delegated to it by the Board.

17. Restrictions on delegation of powers:- The Board shall not delegate any of the following powers to the Executive Committee; namely;

(a) the power to sanction expenditure in excess of Rs.10,000/- in respect of anyone item,

(b) the power to adopt the budget estimates of the Board on its behalf.

(c) the power to sanction expenditure to be incurred outside India;

(d) the power to re-appropriate estimated savings in excess of Rs.2.500/. in the case of any one item.

(e) the power to dispose of appeals against orders of dismissal from the employees of the Board in respect of a salary of Rs.500/- and above per mensem,

(f) the power to write off losses in excess of Rs.1000/- in any one case.

18. Minutes:- Minutes of the proceedings of the meetings of the Board and of the Executive Committee shall be kept and shalll be signed by the person presiding over such meetings. Copies of the minutes of the proceedings of the meetings of the Board shall be submitted to the Central Government and also to the State Governments and bodies by whom members are nominated.

19. Contracts :- The Board may enter into contracts provided that ever contract which extends over a period or more than three years or involves expenditure in excess of Rs.50,000/- shall require the previous sanction of the Central Government.

(2) The Board may, by a by-law, delegate to the Executive Committee, Chairman or Secretary, such power of entering into contracts on its behalf as it may think fit.

(3) Contracts shall not be binding on the Board unless they are executed by the Chairman or Vice-chairman and by the Secretary with the previous approval of the Executive Committee, and the common seal of the Board is affixed thereto.

(4) Neither the Chairman nor the Secretary nor any member of the Board shall be personally liable for any accurance or contract made by the Board, but any liability arising under such assurance or contract shall be discharged from the moneys at the disposal of the Board.

20. Budget Estimates:- (1) The Board shall in each year prepare a budget for the ensuing year and shall submit it for the sanction of the Central Government on or before such date as may be appointed by them. No expenditure shall be incurred until the budget is sanctioned by the Central Govt. and the expenditure has received the sanction of the competent authority.

(2) The budget shall be in such form as the Central Government

may direct and shall include a statement of.

(a) the estimated opening balance.

(b) the estimated receipt from the proceeds of the duty ~~levied~~ levied under section 11 of the Act and from other sources, and

(c) the proposed expenditure classified under the following major heads or such other heads as the Central Government may direct:-

(i) Administration.

(ii) Propaganda- Inside India.

Outside India.

(iii) Research.

(iv) Statistics.

(v) Others.

(3) The proposed expenditure under each major head shall be further classified under the following sub-heads:-

1) Pay of officers.

ii) Pay of Establishment.

iii) Allowances, honoraria etc.

iv) Other charges contingencies etc.

4. Supplementary estimates of expenditure shall be submitted for the sanction of the Central Government in such form and on such dates as may be directed by them.

21. Maintenance and Publication of Accounts:-

1. The Board shall maintain accounts of all receipts and expenditure.

2. Such accounts shall be audited annually by auditors appointed in this behalf by the Central Government and such auditors shall disallow any item which in their opinion has been spent otherwise than in accordance with the Act or these rules.

3) If any item is so disallowed, an appeal for the disallowance shall lie to the Central Government, whose decision shall be final.

(4) The accounts of receipts and expenditure relating to each financial year together with the auditor's report thereon, shall be submitted to the Central Government as soon as may be but not later than six months after the close of the year. The Accounts and auditors' report shall be published in the official gazette.

(5) The accounts of receipts shall include a statement of all sums received by the Board to the credit of the Tea Improvement Fund during the financial year which shall be shown under the following heads:-

(a) moneys received under section 11 of the Act.

b) other moneys received by the Board.

(c) interest received from the investment of such moneys as aforesaid.

(6) Total receipts shall only be shown under each of the heads specified in sub-rule (5) and the opening balance shall also be stated.

(7) Expenditure incurred during the financial year shall be shown under separate major heads and sub-heads mentioned in clause(c) of sub-rule (2) and sub-rule(3) of rule 20.

(8) The closing balance of the year shall be shown at the foot of the accounts on the expenditure side.

22. Power to incur expenditure:-

(1) Subject to the provisions of the Act and the rules framed thereunder, the Board may incur such expenditure as it may think fit, and writ off losses up to Rs.5,000 in any one case and may delegate to the Executive Committee or to the Chairman, Secretary or to any other officer of the Board such financial powers as it may consider expedient:-

Provided that, save with the sanction of the Central Government, no expenditure shall be incurred which is in excess of the sanctioned budget allotment under any major head.

2. Re-appropriations within a major head of expenditure may be made by the Board and subject to clause(d) of rule 17 of these Rules the Board may delegate its powers in this behalf to the Executive Committee.

(3) Re-appropriation between major heads of expenditure shall not be made save with the previous sanction of the Central Government.

(4) The Board may incur expenditure outside India subject to the previous sanction of the Central Government.

23. Borrowing Powers:- The Board may with the previous sanction of the Central Government borrow on the security of the Tea Improvement Fund or any other of its assets for meeting its expenses and for any of the purposes referred to in section 10 of the Act:

Provided that no loan shall be taken which is repayable later than six months from the date of the loan.

24. Appointment of officers and servants:- (1) All posts of officers and servants of the Board shall be created and all appointments to those posts shall be made by the Board.

Provided that the creation of a post of which the maximum salary exceeds Rs.500 p.m. and an appointment thereto shall not be made without the previous sanction of the Central Government.

(2) The Board shall, in respect of its officers and servants, make by-laws to regulate:

i. the conditions of service.
ii) the appointment, promotion and dismissal
iii) the grant of pay, leave, allowances, pensions, gratuities, compassionate allowances,
(iv) the payment of travelling allowances and,
(v) the establishment and maintenance of a provident fund.

Provided that the grant of leave and allowances to permanent Government servants whose services have been lent or transferred to the Board shall be decided with the previous approval of the Government competent to sanction his transfer to the services of the Board.

25. Allowances and remuneration: Save with the previous sanction of the Central Government no remuneration other than travelling allowance and halting allowance shall be paid to any member of the Board on account of his services as such.

26. Custody and disbursement of Funds-- . The Board shall make by-laws for the custody and disbursement of its funds:

Provided that the current account of the Board shall be kept with the Imperial Bank of India or any other Bank approved by the Central Government and all moneys at the disposal of the Board with the exceptions of petty cash and imprests shall be paid into that account.

Provided further that any funds not required for current expenditure may be placed in fixed deposit with any bank approved in this behalf by the Central Government or invested in the name of the Board in any security in which trust property may lawfully be invested under the Indian Trusts Act, 1882.

(309(2)-Law(Fee)/49)

M.A. MULKY, Dy. Secy.

-True copy

Superintendent.

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Acts = The Central Tea Board Act(1949)(XIII of 1949) - Framing of rules= Government of India notification -=Republished.

DEVELOPMENT DEPARTMENT.

G.O.Ms.No.3215 Dated 19th August 1950
Read:

From the Government of India, Ministry of Commerce No.309 (2)-Law(Tea)/49 dated 15-7-50

ORDER:

The following notification of the Government of India, Ministry of Commerce will be rep ublished in the Fort St. George Gazette.

(Pl. see pp. 1 to 9 c.f)

(By order of His Excellency the Governor)

Sd/. P.S.Viswanatha Ayyar.
Secretary to Government.

To
The Superintendent, Government Press for publication of the notification in the Fort St. George Gazette.
Copy to the Director of Agriculture,
Copy to the Director of Industries & Commerce, Copy to Board of Revenue.

-True copy-